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Counsel to the Liquidating Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:) Case No. 08-35653 (KRH)
)
CIRCUIT CITY STORES, INC., <u>et al.</u> ,) Chapter 11
)
Debtors.) (Jointly Administered)
)
ALFRED H. SIEGEL, AS TRUSTEE OF THE)
CIRCUIT CITY STORES, INC. LIQUIDATING) Adv. Pro. No. 10-03056
TRUST,)
)
Plaintiff,)
)
v.)
)
PNY TECHNOLOGIES, INC.,)
Defendant.)



STIPULATION OF VOLUNTARY DISMISSAL

Comes now Alfred H. Siegel, the duly appointed trustee of the Circuit City Stores, Inc. Liquidating Trust (the "Trustee"), pursuant to the Second Amended Joint Plan of Liquidation of Circuit City Stores, Inc. and its Affiliated Debtors and Debtors in Possession and its

Official Committee of Creditors Holding General Unsecured Claims (the "Plan"), by counsel, and pursuant to Bankruptcy Procedure Rule 7041 and Federal Rule of Civil Procedure 41, moves to dismiss with prejudice the complaint against PNY Technologies, Inc. ("PNY"). As a point of clarification, and as memorialized in the parties' settlement agreement, this requested dismissal is without prejudice to the Trustee's rights, all of which are expressly reserved, to object to the validity and extent of PNY's Claim No. 1723, which claim is addressed in the complaint (as the Litigation Claim) in this adversary proceeding based solely on other grounds for objection. As evidenced by the endorsement herein, PNY consents to the dismissal provided for herein.

Dated: Richmond, Virginia
Feb. 14, 2011

TAVENNER & BERAN, PLC

/s/ Paula S. Beran

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Counsel to Plaintiff
Alfred H. Siegel, Trustee of the Circuit City Stores,
Inc. Liquidating Trust

Seen and Agreed:

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By: 
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